

105TH CONGRESS
2D SESSION

H. R. 4693

To provide for Federal recognition of the Qutekcak Native Tribe of Alaska and the Tuscarora Nation of the Kau-ta-Noh, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 2, 1998

Mr. YOUNG of Alaska (for himself, Mr. HEFNER, and Mr. MCINTYRE) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for Federal recognition of the Qutekcak Native Tribe of Alaska and the Tuscarora Nation of the Kau-ta-Noh, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **TITLE I—TUSCARORA NATION**
4 **OF THE KAU-TA-NOH**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Tuscarora Nation of
7 the Kau-ta-Noh Recognition Act”.

8 **SEC. 102. FINDINGS.**

9 The Congress declares and finds the following:

1 (1) The Tuscarora Nation of the Kau-ta-Noh
2 are descendants and political successors to the Kau-
3 ta-Noh Tribe, a branch of those Indians known as
4 the Tuscarora Indians at the time of initial Euro-
5 pean contact with America.

6 (2) The Tuscarora Nation of the Kau-ta-Noh
7 consists of over 1,000 eligible members who continue
8 to reside close to their ancestral homeland, an area
9 now known as Hoke, Robeson, and Wilson Counties
10 within the State of North Carolina.

11 (3) The Tuscarora Nation of the Kau-ta-Noh
12 continues its political and social existence with a via-
13 ble tribal government carrying out many of its gov-
14 ernmental functions through its traditional forms of
15 collective decision making and social interaction.

16 (4) In 1989 the Tuscarora Nation of the Kau-
17 ta-Noh requested in writing that the United States
18 Government, under the Act of June 18, 1934 (25
19 U.S.C. 461 et seq.; commonly referred to as the “In-
20 dian Reorganization Act of 1934”), recognize the
21 Tuscarora Nation of the Kau-ta-Noh.

22 (5) For 8 years the United States Government
23 lost the request for recognition filed by the Tusca-
24 rora Nation of the Kau-ta-Noh. Although the rec-
25 ognition request was discovered in 1997 by officials

1 of the United States Government within its own
2 files, no action has been taken by the United States
3 Government on that recognition request.

4 **SEC. 103. DEFINITIONS.**

5 For the purposes of this title:

6 (1) The term “Tribe” means the Tuscarora Na-
7 tion of the Kau-ta-Noh.

8 (2) The term “Secretary” means the Secretary
9 of the Interior.

10 (3) The term “member” means an individual
11 who is included on the Tribe’s membership roll.

12 **SEC. 104. ESTABLISHMENT OF FEDERAL TRUST RELATION-**
13 **SHIP.**

14 (a) **FEDERAL RECOGNITION.**—Federal recognition is
15 hereby extended to the Tribe. All laws and regulations of
16 general application to Indians or nations, tribes, or bands
17 of Indians that are not inconsistent with any specific pro-
18 vision of this Act shall be applicable to the Tribe and its
19 members.

20 (b) **FEDERAL BENEFITS AND SERVICES.**—The Tribe
21 and its members shall be eligible, on or after the date of
22 the enactment of this Act, for all Federal benefits and
23 services furnished to federally recognized Indian tribes
24 and their members because of their status as Indians with-
25 out regard to the existence of a reservation for the Tribe

1 or the residence of any member on or near an Indian res-
2 ervation.

3 (c) INDIAN REORGANIZATION ACT APPLICABILITY.—
4 The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall
5 be applicable to the Tribe and its members.

6 **SEC. 105. TRIBAL LANDS.**

7 (a) LANDS TAKEN INTO TRUST.—Notwithstanding
8 any other provision of law, if, not later than 2 years after
9 the date of the enactment of this Act, the Tribe transfers
10 land within the boundaries of Hoke County, Robeson
11 County, and Wilson County, North Carolina, to the Sec-
12 retary, the Secretary shall take such land into trust for
13 the benefit of the Tribe.

14 (b) RESERVATION ESTABLISHED.—Land taken into
15 trust pursuant to subsection (a) shall be the initial res-
16 ervation of the Tribe.

17 **SEC. 106. BASE MEMBERSHIP ROLL.**

18 (a) IN GENERAL.—Not later than 18 months after
19 the date of enactment of this Act, the Tribe shall submit
20 to the Secretary a membership roll consisting of all indi-
21 viduals who are members of the Tribe. The qualifications
22 for inclusion on the membership roll of the Tribe shall be
23 determined by the membership clauses in the Tribe's gov-
24 erning document. Upon completion of the membership roll,
25 the Secretary shall publish notice of such in the Federal

1 Register. The Tribe shall ensure that such roll is main-
2 tained and kept current.

3 (b) FUTURE MEMBERSHIP.—The Tribe shall have
4 the right to determine future membership in the Tribe.

5 **SEC. 107. JURISDICTION.**

6 The reservation established pursuant to this title
7 shall be Indian Country under exclusive Federal jurisdic-
8 tion.

9 **SEC. 108. ORGANIZATION OF TRIBE.**

10 (a) ORGANIZATION AND ORGANIC GOVERNING DOCU-
11 MENT.—The Tribe may organize for its common welfare
12 and adopt an appropriate instrument, in writing, to govern
13 the affairs of the Tribe when acting in its governmental
14 capacity. The Tribe shall file with the Secretary of the
15 Interior a copy of its organic governing document and any
16 amendments thereto.

17 (b) NEW GOVERNING DOCUMENT OR AMENDMENTS
18 OR REVISIONS OF INTERIM GOVERNING DOCUMENT;
19 TRIBAL ELECTION.—Not less than 24 months after the
20 date of the enactment of this Act, the Tribe's governing
21 body may propose a new governing document or amend-
22 ments or revisions to the interim governing document, and
23 the Secretary shall conduct a tribal election as to the adop-
24 tion of that proposed document not later than 6 months

1 after the date that the document is transmitted to the Sec-
 2 retary.

3 (c) APPROVAL OF NEW GOVERNING DOCUMENT.—

4 The Secretary shall approve the new governing document
 5 if that document is approved by a majority of the tribal
 6 voters unless the Secretary determines that such docu-
 7 ment is in violation of any laws of the United States.

8 (d) INTERIM GOVERNING DOCUMENT PENDING AP-

9 PROVAL.—Until the Tribe adopts and the Secretary ap-
 10 proves a new governing document, the interim governing
 11 document of the Tribe shall be the Tribe’s constitution,
 12 known as the Great Law of Peace.

13 (e) GOVERNING BODY PENDING ADOPTION OF

14 FINAL DOCUMENT.—Until the Tribe adopts a final gov-
 15 erning document, the Tribe’s governing body shall consist
 16 of the Tribe’s governing body on the date of the enactment
 17 of this Act.

18 **TITLE II—QUTEKCAK NATIVE** 19 **TRIBE**

20 **SEC. 201. SHORT TITLE.**

21 This title may be cited as the “Qutekcak Native Tribe
 22 Recognition Act”.

23 **SEC. 202. FINDINGS.**

24 The Congress declares and finds the following:

1 (1) The Qutekcak Native Tribe wishes to con-
2 tinue to exercise its inherent right to self-determina-
3 tion and self-governance and to maintain and
4 strengthen its distinct political, economic, social, and
5 cultural characteristics in the spirit of its ancestors.

6 (2) The Qutekcak Native Tribe consists of 257
7 members who continue to reside within their ances-
8 tral homeland, an area which includes the lands and
9 waters located within Resurrection and Aialik Bays
10 within the State of Alaska and an area which has
11 been traditionally used or owned by the Native peo-
12 ple of Qutekcak and neighboring villages.

13 (3) The Qutekcak Native Tribe has a tribal
14 government which has traditionally functioned
15 through time honored decisionmaking processes
16 which have been reinforced for centuries by the so-
17 cial acceptance of its members.

18 **SEC. 203. DEFINITIONS.**

19 For the purposes of this title:

20 (1) The term “Tribe” means the Qutekcak Na-
21 tive Tribe.

22 (2) The term “Secretary” means the Secretary
23 of the Interior.

24 (3) The term “member” means an enrolled
25 member of the Tribe, as of the date of the enact-

1 ment of this Act, or an individual who has been
2 placed on the membership rolls of the Tribe in ac-
3 cordance with this Act.

4 **SEC. 204. ESTABLISHMENT OF FEDERAL TRUST RELATION-**
5 **SHIP.**

6 (a) **FEDERAL RECOGNITION.**—Federal recognition is
7 hereby extended to the Tribe. All laws and regulations of
8 general application to Alaska Natives, Alaska Native vil-
9 lages, and Indians or nations, tribes, or bands of Indians
10 that are not inconsistent with any specific provision of this
11 title shall be applicable to the Tribe and its members.

12 (b) **FEDERAL BENEFITS AND SERVICES.**—The Tribe
13 and its members shall be eligible, on or after the date of
14 the enactment of this Act, for all Federal benefits and
15 services furnished to federally recognized Alaska Native
16 villages and Indian tribes and their members because of
17 their status as Alaska Natives or Indians without regard
18 to the existence of a reservation for the Tribe or the resi-
19 dence of any member on or near an Alaska Native village
20 or Indian reservation.

21 (c) **INDIAN REORGANIZATION ACT APPLICABILITY.**—
22 The Act of June 18, 1934 (25 U.S.C. 461 et seq.) shall
23 be applicable to the Tribe and its members.

1 **SEC. 205. BASE MEMBERSHIP ROLL.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Tribe shall submit
4 to the Secretary a membership roll consisting of all indi-
5 viduals who are members of the Tribe. The qualifications
6 for inclusion on the membership roll of the Tribe shall be
7 developed and based upon the membership clauses in the
8 Tribe’s governing document. Upon completion of the mem-
9 bership roll, the Secretary shall publish notice of such in
10 the Federal Register. The Tribe shall ensure that such roll
11 is maintained and kept current.

12 (b) FUTURE MEMBERSHIP.—The Tribe shall have
13 the right to determine future membership in the Tribe.

14 **SEC. 206. ORGANIZATION OF TRIBE.**

15 (a) ORGANIZATION AND ORGANIC GOVERNING DOCU-
16 MENT.—The Tribe may organize for its common welfare
17 and adopt an appropriate instrument, in writing, to govern
18 the affairs of the Tribe when acting in its governmental
19 capacity. The Tribe shall file with the Secretary of the
20 Interior a copy of its organic governing document and any
21 amendments thereto.

22 (b) NEW GOVERNING DOCUMENT OR AMENDMENTS
23 OR REVISIONS OF INTERIM GOVERNING DOCUMENT;
24 TRIBAL ELECTION.—Not less than 24 months after the
25 date of the enactment of this Act, the Tribe’s governing
26 body may propose a new governing document or amend-

1 ments or revisions to the interim governing document, and
2 the Secretary shall conduct a tribal election as to the adop-
3 tion of that proposed document not later than 6 months
4 after the date that the document is transmitted to the Sec-
5 retary.

6 (c) APPROVAL OF NEW GOVERNING DOCUMENT.—
7 The Secretary shall approve the new governing document
8 if that document is approved by a majority of the tribal
9 voters unless the Secretary determines that such docu-
10 ment is in violation of any laws of the United States.

11 (d) INTERIM GOVERNING DOCUMENT PENDING AP-
12 PROVAL.—Until the Tribe adopts and the Secretary ap-
13 proves a new governing document, the interim governing
14 document of the Tribe shall be the Tribe’s constitution.

15 (e) GOVERNING BODY PENDING ADOPTION OF
16 FINAL DOCUMENT.—Until the Tribe adopts a final gov-
17 erning document, the Tribe’s governing body shall consist
18 of the Tribe’s governing body on the date of the enactment
19 of this Act.

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